

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN NURSING**

239 Causeway Street, Room 417A
Boston, MA 02114

**Minutes of the Regularly Scheduled Board Meeting
Wednesday, July 13, 2016**

Board Members Present

K. Gehly, CNP, Chair
B. Levin RN, Vice Chair
S. Abbott, Public Member
M. Beal, CNM
J. Killion, LPN
C. LaBelle, RN
A. Peckham, RN
C. Tebaldi, CNP
P. Gales, RN
J. Fantes, MD
L. Keough, CNP
G. Dufault, LN

Board Members Not Present

C. Urena, LPN
C. Simonian, PharmD, RPh

Staff Present

L. Silva, RN, DNP, Executive Director
C. MacDonald, RN, DNP, Deputy Executive Director
C. Silveira, MS, RN, Assistant Director
K. Ashe, RN, Nursing Education Coordinator
O. Atueyi, JD, Board Counsel
H. Cambra, RN, JD, Complaint Resolution Coordinator
D. M. DeVaux, RN, SARP Coordinator
A. Fein, RN, JD, Complaint Resolution Coordinator
V. Iyawe, RN, SARP Coordinator
K. Keenan, Licensing Coordinator
C. Pascarella, JD, Probation Staff
L. Talarico, CNP, Nursing Practice Coordinator
T. Westgate, Program Coordinator
B. Oldmixon, Board Counsel
K. Fishman, Probation Monitor

Staff Not Present

Guests

See attached list.

TOPIC:

Call to Order & Determination of Quorum

DISCUSSION:

A roll call was done and a quorum of the Board was present. K Gehly stated that the meeting was being recorded. Board members and staff introduced themselves.

13 July 16 Regular Minutes
(Approved 08/10/2016)

ACTION:

At 9:02 a.m., K. Gehly, Chairperson, called the July 13, 2016 Regularly Scheduled Board Meeting to order.

TOPIC:

Approval of Agenda

DISCUSSION:

None.

ACTION:

Motion by J. Kilion, seconded by B. Levin, and unanimously passed to approve the agenda as presented/as revised.

TOPIC:

Approval of Board Minutes for the June 1, 2016 Meeting of the Regularly Scheduled Board Meeting

DISCUSSION:

None.

ACTION:

Motion by A. Peckham, seconded by J. Killion, and unanimously passed to accept the Minutes of the June 1, 2016, Regularly Scheduled Board Meeting. P. Gales abstained.

TOPIC:

Approval of Board Minutes for the June 8, 2016 Meeting of the Regularly Scheduled Board Meeting

DISCUSSION:

None.

ACTION:

Motion by P. Gales, seconded by B. Levin, and unanimously passed to accept the Minutes of the June 8, 2016, Regularly Scheduled Board Meeting.

TOPIC:

Reports, Announcements and Administrative Matters

A. 2014 Registered Nurse Data Series Report Presentation: Guest, Angela Naninni, PhD, RN, DPH
Health Care Workforce Center

B. Staff Report

1. Education
2. Practice
3. SARP
4. Probation Monitor

C. Executive Director's Report

D. Announcements

DISCUSSION:

- A. C. Silveira introduced Dr. Naninni to the Board and gave a history on her work. Dr. Naninni gave a background of the Workforce Initiative to the Board and showed examples of the data to the Board. Dr. Naninni presented the findings to the Board. Noting that the 2014 data indicates 57% of RNs hold a baccalaureate or higher nursing degree, C. Silveira stated that it is a goal of the MA Action Coalition that 66% of nurses will be educated at the bachelor's degree or higher by 2020. L. Silva and M. Beal asked about the degree definitions and Dr. Naninni responded. C. MacDonald asked about retired nurses and Dr. Naninni responded. J. Fantes asked about the retirement rate in relation to the national rate. M. Beal asked about nurses who kept their license in case they needed to go back to work. B. Levin asked about the nurses who were exempt from renewing and C. Silveira explained the 3 month statutory exemption. P. Gales recommended the Board embrace the data and apply it to the Board's strategic planning. K. Ashe stated that it would be useful for partners with the Board to bring more diversity to the workforce and that the schools will be able use this data as well. Dr. Naninni stated that the Board could look at the data in different ways. C. LaBelle asked if there was a way to help nurses who get associate degrees or diplomas in finding a job. Noting that that is not within the purview of the Board, K. Gehly stated that there opportunities currently for nurses with associate degrees as well as education opportunities. L. Silva stated that the economy played a large role in the increase of associate degree nurses.
- B. Staff Reports:
1. K. Ashe briefed her report to the Board.
 2. L. Talarico was available for questions on her report.
 3. V. Iyawe was available for questions on her report.
 4. K. Fishman briefed her report to the Board.
- C. L. Silva updated the Board on the Complaint Committee results to date and asked Board members to sign up to attend the Complaint Committee. M. Beal asked about how many cases were still backed up and L. Silva stated that she would bring that information to the next meeting. M. Beal asked if the Board would be able to catch up by the end of 2016 and L. Silva stated that she was hopeful that would be the case.
- D. C. LaBelle stated that CNP's will be able to prescribe soboxone following a new bill that is set to be signed. L. Talarico asked for clarification which C. LaBelle provided. J. Fantes asked about the bill to no longer require monitoring on nurse practitioner prescription practices.

ACTION:

- A. So noted.
- B. Motion by P. Gales, seconded by S. Abbott, and unanimously passed to accept the reports.
- C. So noted.

TOPIC:

Pending Board Complaint: In the Matter of P. Awolesi RN251771, NUR-2016-0027.

DISCUSSION:

M. Campbell presented the case to the Board. M. Campbell stated that the nurse did graduate from Bunker Hill Community College and did pass the NCLEX. A. Fein stated that at the Complaint Committee there were questions on whether there should be a five year or permanent surrender of the license. K. Gehly asked if the nurse provided false information and M. Campbell stated that he did provide a false Social Security Number. L. Silva stated that there were false identity issues but no public safety issues. H. Cambra stated that nurses in Massachusetts are required to have a Social Security Number unless they sign the affidavit. L. Silva asked M. Campbell if the Social Security Number that the nurse currently has is legitimate or not. M. Campbell stated that they were unable to get information from

the federal case due to costs involved. L. Silva stated that the Board needed more information to deliberate on the case.

ACTION: Motion by B. Levin, seconded by M. Beal and voted unanimously to: defer the case.

TOPIC: Probation

Request for Extension of Probation in the matters of: A. Aberdale, RN204135, NUR-2014-0069.

DISCUSSION:

C. Pascerella briefed the case to the Board and recommended to grant the extension.

ACTION:

Motion by P. Gales, seconded by B. Levin, and unanimously passed to grant the extension to complete practice requirements.

TOPIC: Probation

Request for Extension of Probation in the matters of: J. Low, RN244621, RN-05-173.

DISCUSSION:

C. Pascerella briefed the case to the Board and stated that they were awaiting information on the latest evaluation report. C. Pascerella recommended granting the extension to complete practice requirements.

ACTION:

Motion by A. Peckham, seconded by J. Killion, and unanimously passed to grant the extension to complete practice requirements.

TOPIC: Probation

Request for Notice of Violation and Further Discipline in the matters of: B. Hume, RN151792, NUR-2012-0183.

DISCUSSION:

K. Fishman briefed the case to the Board. The licensee has not responded to requests from the Board for information. K. Fishman recommended that the Board allow a notice of violation to be sent to the licensee. H. Cambra asked why the policy doesn't allow for staff to send out a notice of violation to be sent out by staff. K. Fishman stated that the policy doesn't cover all cases. L. Silva stated that the policy would be modified to make it more streamlined.

ACTION:

Motion by J. Killion, seconded by C. LaBelle, and unanimously passed to allow the Probation Monitor to send B. Hume a Notice of Violation and Opportunity to Cure in an attempt to resolve the non-compliance. The Board also requested to revisit this matter at the next Board meeting if B. Hume fails to "cure" the violation.

TOPIC: Probation

Request for Notice of Violation and Further Discipline in the matters of: T. Dolan, RN2270906, NUR-2013-0020.

DISCUSSION:

K. Fishman briefed the case and history to the Board. K. Fishman stated the licensee has not responded to the Board except for recently once a notice of violation had been sent. The licensee still has not renewed his license as of today. K. Fishman deferred to the Board for an action. O. Atueyi asked if the licensee had asked for more time and K. Fishman stated he has not. The licensee stated he was not aware that he had an expired license and had not received the violation of notice. M. Beal asked if the Board needed to do anything since the license was expired. P. Gales asked if the Board could issue another notice of violation. L. Silva clarified that the licensee had stated he had not received the notice. O. Atueyi stated that Board would have to make a decision at some point if the licensee still had issues finding employment on what to do. P. Gales asked when the Board would make the decision and O. Atueyi stated after the violation of notice would be sent. H. Cambra asked if the licensee corrected his expired license what would be the next step. K. Fishman said she would have to check on what staff had the power to do at that point. O. Atueyi stated that the licensee would either come back to the Board or that he could receive an extension by staff action. A. Fein asked about the requirements that the licensee needed to complete as part of his probation. O. Atueyi recommended that the Board add the probation requirements to the notice of violation.

ACTION:

Motion by P. Gales, seconded by B. Levin, and unanimously passed to allow the Probation Monitor to send T. Dolan a Notice of Violation and Opportunity to Cure in an attempt to resolve the non-compliance. The Board also requested to revisit this matter at the next Board meeting if T. Dolan fails to “cure” the violation.

TOPIC: Probation

Request for Notice of Violation and Further Discipline in the matters of: J. Handren, RN177486, NUR-2011-0265.

DISCUSSION:

C. Pacerella briefed the case to the Board. The licensee had a stayed suspension and after an audit K. Fishman discovered that this licensee was not in compliance with his probation order. C. Pacerella recommended a suspension.

ACTION:

Motion by A. Peckham, seconded by J. Killion, and unanimously passed to suspend the license.

TOPIC:

Practice

Primary Source Verification

DISCUSSION:

L. Talarico reviewed her previously distributed memo outlining the procedures performed on behalf of the Board prior to issuing a license or authorization. The Board performs a series of verification procedures to ensure the accuracy of qualifications for nurse licensure and advanced practice authorization. Verification documents are received by the original (primary) source of the credential (education, training, licensure). The process is known as “primary source verification”. L. Talarico has prepared an informational document that will be posted on the Board’s web site in preparation for discontinuing the practice of mailing renewal reminders and wallet size licensure documents to licensees. Organizations that previously requested hard copies of licensure documents will be required to obtain the information from the Board’s website.

ACTION:

For informational purposes only.

TOPIC:**Education**

- A. 244 CMR 6.04(1)(c)&(1)(f) Administrative Changes
 - 1. MassBay Community College (CEQ)
 - 2. Bristol Community College Associate Degree RN (Program Administrator)
 - 3. Fitchburg State University, Baccalaureate Degree-RN (Program Administrator)
 - 4. Medical Professional Institute Practical Nursing Program (Program Administrator)
- B. 244CMR 6.06(2) Site Survey Waiver Reports: Status Updates
 - 1. Massasoit Community College AD-RN
 - 2. Mount Wachusett Community College AD-RN
 - 3. Springfield Technical Community College AD-RN
- C. 2016 Quarter 1 NCLEX Performance Reports
 - 1. MA Licensure Candidates Regardless of State of Education
 - 2. MA Graduates Regardless of State of Licensure

DISCUSSION:

- A. K. Ashe briefed the Board administrative notification,. K. Ashe asked Medical Professional Institute Program Administrator notification be deferred.
- B. K. Ashe briefed the Board on the status of Site Wavier follow reports submitted by Massasoit Community College AD-RN, Mount Wachusett Community College AD-RN, Springfield Technical Community College AD-RN.
- C. K. Ashe reviewed the 2016 Quarter 1 NCLEX Performance Reports, noting that the Q3 reports offer more complete data on numbers relating to MA Licensure Candidates Regardless of State of Education and MA Graduates Regardless of State of Licensure

ACTION:

- A. Motion by P. Gales, seconded by M. Beal, and unanimously passed to accept the administrative changes.
- B. Motion by M. Beal, seconded by A. Peckham, and unanimously passed to grant the site waiver reports.
- C. So noted.

TOPIC:**Strategic Development, Planning and Evaluation**

- A. Systematic Policy Evaluation:
 - 1. SARP Policy 07-002: Termination of Withdrawal from the SARP Admission Process
 - 2. SARP Policy 06-001: SARP Relapse Management
 - 3. SARP Policy 99-04: Medical Waiver
 - 4. SARP Policy 99-06: Staff Action to Implement SAREC Recommendations
 - 5. SARP Policy 07-001 Bridge Agreements
- B. Topics for Next Agenda
- C. State Email Accounts
- D. Executive Order 562 Regulatory Review
- E. MA Prescription Monitoring Program, Eric Sheehan, Interim Director, MA Bureau of Health Care Safety and Quality

DISCUSSION:

A. V. Iyawe briefed the changes to the SARP Policies to the Board.

B. C. Tebaldi asked about blanket disclosures and putting it on the agenda for the next meeting.

A. Fein stated that C. Simonian wanted more information about the Botox standards. L. Silva stated that Laurie was working on the advisory.

C. V. Berg briefed the Board on state email accounts and Public Record requests. M. Beal asked what items should be forwarded to the state email. K. Gehly asked if going forward emails will only be sent to the state emails. L. Silva recommended Board members log into their accounts sooner rather than later. C. Tebaldi asked who the Board should contact if there are issues and V. Berg stated that they could contact her.

D. V. Berg briefed the history of the Regulatory Review to the Board. M. Beal asked when the Board of Medicine would send back their draft and V. Berg stated that she did not know but that the Secretariat was in charge and would ensure it was completed. M. Beal asked for clarification on 6.01 stating it was reserved and V. Berg explained that it was done to allow for the regulation changes to be tracked. V. Berg briefed the Board on the next steps that would happen with the review regarding web posting and public hearing.

E. J. Lavery introduced E. Sheehan and T. Innis to the Board. E. Sheehan briefed the Board on the Prescription Monitoring Program to the Board. J. Fantes asked about nurses having multiple logins over getting just one logon. C. Tebaldi asked about the communication strategy for informing stakeholders of the changes. L. Talarico asked about the provider reports under the new system. E. Sheehan stated that the process would not change. C. LaBelle asked what the Attorney General would have to do to get data and E. Sheehan stated it would be the same as what the Boards would have to request. M. Campbell asked what investigators would need to do for the new system and E. Sheehan explained that they would need to be trained and receive new logins.

ACTION:

A. Motion by J. Killion, seconded by C. Tebaldi, and unanimously passed to accept the changes.

B. So noted.

C. So noted.

D. Motion by S. Abbott, seconded by P. Gales, and unanimously passed to approve the edits for CMR 3.00 and send out the review for hearing.

Motion by J. Killion, seconded by B. Levin, and unanimously passed to approve the edits for CMR 6.00 and send out the review for hearing.

Motion by M. Beal, seconded by A. Peckham, and unanimously passed to approve the edits for CMR 7.00 and send out the review for hearing.

Motion by J. Killion, seconded by C. LaBelle, and unanimously passed to approve the edits for CMR 10.00 and send out the review for hearing.

E. So noted.

TOPIC:

G.L. c.30A, §21 Executive Session

DISCUSSION:

None

ACTION:

Motion by B. Levin, seconded by P. Gales, and unanimously passed by roll call vote to go into Executive Session at 11:43 a.m. as per Purpose One of G.L. c.30A, §21 (a)(1).

G.L. c. 30A, § 21 Executive Session 11:43 a.m. to 12:48 p.m.

G.L. c. 112, s. 65C Session 2:03 p.m. to 2:40 p.m.

TOPIC:

65C Session

DISCUSSION:

None.

ACTION:

Motion by J. Killion, seconded by A. Peckham, and unanimously passed by roll call vote to go into 65C Session at 2:03 p.m. to discuss decisions in pending adjudicatory matters.

Adjudicatory Session 2:40 p.m. to 3:24 p.m.

TOPIC:

Adjudicatory Session

DISCUSSION:

None

ACTION:

Motion by ◇, seconded by ◇, and unanimously passed by roll call vote to go into Adjudicatory Session at 2:40 p.m. to discuss decisions in pending adjudicatory matters.

TOPIC:

Adjournment

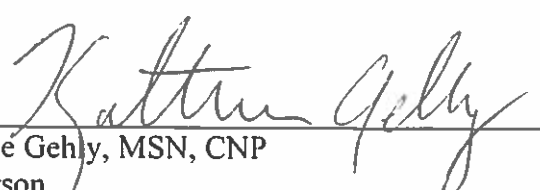
DISCUSSION:

K. Gehly reminded Board members that there was an August meeting.

ACTION:

Motion by S. Abbott, seconded by J. Fantes, and unanimously passed to adjourn the meeting at 3:25 p.m.

Minutes of the Board's July 13, 2016, Regularly Scheduled Meeting were approved by the Board on August 10, 2016.



Katherine Gehly, MSN, CNP
Chairperson
Board of Registration in Nursing

Agenda with exhibits list attached.

COMMONWEALTH OF MASSACHUSETTS

**NOTICE OF THE REGULARLY SCHEDULED MEETING OF THE
BOARD OF REGISTRATION IN NURSING**

July 13, 2016

239 Causeway Street ~ Room 417 A&B

Boston, Massachusetts 02114

PRELIMINARY AGENDA AS OF <6/23/16 11:37 am>

Estimated Time	#	A. Item	Exhibits	Presented by
9:00 a.m.	I.	B. CALL TO ORDER & DETERMINATION OF QUORUM	None	
	II.	APPROVAL OF AGENDA	Agenda	
	III.	APPROVAL OF BOARD MINUTES A. Draft Minutes for the June 1, 2016, Meeting of the Board of Registration in Nursing, Regular Session B. Draft Minutes for the June 8, 2016, Meeting of the Board of Registration in Nursing, Regular Session	Minutes Minutes	
	IV.	REPORTS, ANNOUNCEMENTS AND ADMINISTRATIVE MATTERS A. 2014 Registered Nurse Data Series Report Presentation: Guest, Angela Naninni, PhD, RN, DPH Health Care Workforce Center B. Staff Report 1. Education 2. Practice 3. SARP 4. Probation Monitor C. Executive Director's Report D. Announcements	Oral Report Report Report Report Oral	CS KA LT VI/DM KF/CP LS
	V.	COMPLAINT RESOLUTION: A. Resolution of Pending Board Complaints: 1. P. Awolesi RN251771, NUR-2016-0027 B. Resolution of Pending Board Staff Assignments: None	Investigation Report	MFS

	VI. PROBATION A. Request for Extension of Probation in the matters of: 1. A. Aberdale , RN204135, NUR-2014-0069 2. J. Low , RN244621, RN-05-173 B. Request for Notice of Violation and Further Discipline in the matters of: 1. B. Hume , RN151792, NUR-2012-0183 2. T. Dolan , RN2270906, NUR-2013-0020 3. J. Handren , RN177486, NUR-2011-0265	Memo Memos	KF/CP KF/CP KF/CP KF/CP KF/CP
	VII. PRACTICE A. Primary Source Verification	Memo	LT
	VIII. EDUCATION D. 244 CMR 6.04(1)(c)&(1)(f) Administrative Changes 1. MassBay Community College (CEO) 2. Bristol Community College Associate Degree RN (Program Administrator) 3. Fitchburg State University, Baccalaureate Degree-RN (Program Administrator) 4. Medical Professional Institute Practical Nursing Program (Program Administrator) E. 244CMR 6.06(2) Site Survey Waiver Reports: Status Updates 1. Massasoit Community College AD-RN 2. Mount Wachusett Community College AD-RN 3. Springfield Technical Community College AD-RN F. 2016 Quarter 1 NCLEX Performance Reports 1. MA Licensure Candidates Regardless of State of Education 2. MA Graduates Regardless of State of Licensure	Report Compliance Report Memo & Report	KA KA KA
	IX. REQUESTS FOR LICENSE REINSTATEMENT: None		
1:00 p.m.	X. STRATEGIC DEVELOPMENT, PLANNING AND EVALUATION F. Systematic Policy Evaluation: 1. SARP Policy 07-002: Termination of Withdrawal from the SARP Admission Process 2. SARP Policy 06-001: SARP Relapse Management 3. SARP Policy 99-04: Medical Waiver 4. SARP Policy 99-06: Staff Action to Implement SAREC Recommendations 5. SARP Policy 07-001 Bridge Agreements G. Topics for Next Agenda H. State Email Accounts I. Executive Order 562 Regulatory Review J. MA Prescription Monitoring Program, Eric Sheehan, Interim Director, MA Bureau of Health Care Safety and Quality	Memo Memo Memo & Draft Regulations Oral	VI/DMD VPB VPB
<>	LUNCH		

	XI. EXECUTIVE SESSION The Board will meet in Executive Session as authorized pursuant to M.G.L. c.30A, § 21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. 1. Specifically, the Board will discuss and evaluate the Good Moral Character as required for registration for pending applicants. 2. Specifically, the Board will discuss and evaluate the reputation, character, physical condition or mental health, rather than professional competence, of licensees relevant to their petitions for license status change. 3. Approval of prior executive session minutes in accordance with M.G.L. ch.30A, § 22(f) for sessions held during the June 8, 2016 meeting.	CLOSED SESSION	
	XII. M.G.L. c. 112, § 65C SESSION	CLOSED SESSION	
	XIII. ADJUDICATORY SESSION (M.G.L. ch. 30A, § 18)	CLOSED SESSION	
5:00 p.m.	XIV. ADJOURNMENT		